



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2013 REGULAR SESSION

SENATE BILL NO. 15

AS ENACTED

MONDAY, MARCH 11, 2013

RECEIVED AND FILED
DATE March 22, 2013
3:13pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY L. Miller

1 AN ACT relating to violent offenders.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 439.3401 is amended to read as follows:

4 (1) As used in this section, "violent offender" means any person who has been
5 convicted of or pled guilty to the commission of:

6 (a) A capital offense;

7 (b) A Class A felony;

8 (c) A Class B felony involving the death of the victim or serious physical injury
9 to a victim;

10 (d) An offense described in KRS 507.040 or 507.050 where the offense involves
11 the killing of a peace officer or firefighter while the officer or firefighter
12 was acting in the line of duty;

13 (e) The commission or attempted commission of a felony sexual offense
14 described in KRS Chapter 510;

15 ~~(f)(e)~~ Use of a minor in a sexual performance as described in KRS 531.310;

16 ~~(g)(f)~~ Promoting a sexual performance by a minor as described in KRS
17 531.320;

18 ~~(h)(g)~~ Unlawful transaction with a minor in the first degree as described in
19 KRS 530.064(1)(a);

20 ~~(i)(h)~~ Human trafficking under KRS 529.100 involving commercial sexual
21 activity where the victim is a minor;

22 ~~(j)(i)~~ Criminal abuse in the first degree as described in KRS 508.100;

23 ~~(k)(j)~~ Burglary in the first degree accompanied by the commission or
24 attempted commission of an assault described in KRS 508.010, 508.020,
25 508.032, or 508.060;

26 ~~(l)(k)~~ Burglary in the first degree accompanied by commission or attempted
27 commission of kidnapping as prohibited by KRS 509.040; or

1 ~~(m)~~~~(1)~~ Robbery in the first degree.

2 The court shall designate in its judgment if the victim suffered death or serious
3 physical injury.

4 (2) A violent offender who has been convicted of a capital offense and who has
5 received a life sentence (and has not been sentenced to twenty-five (25) years
6 without parole or imprisonment for life without benefit of probation or parole), or a
7 Class A felony and receives a life sentence, or to death and his or her sentence is
8 commuted to a life sentence shall not be released on probation or parole until he or
9 she has served at least twenty (20) years in the penitentiary. Violent offenders may
10 have a greater minimum parole eligibility date than other offenders who receive
11 longer sentences, including a sentence of life imprisonment.

12 (3) (a) A violent offender who has been convicted of a capital offense or Class A
13 felony with a sentence of a term of years or Class B felony~~[- who is a violent~~
14 ~~offender]~~ shall not be released on probation or parole until he has served at
15 least eighty-five percent (85%) of the sentence imposed.

16 (b) A violent offender who has been convicted of a violation of KRS 507.040
17 where the victim of the offense was clearly identifiable as a peace officer or
18 a firefighter and the victim was acting in the line of duty shall not be
19 released on probation or parole until he or she has served at least eighty-
20 five percent (85%) of the sentence imposed.

21 (c) A violent offender who has been convicted of a violation of KRS 507.040 or
22 507.050 where the victim of the offense was a peace officer or a firefighter
23 and the victim was acting in the line of duty shall not be released on
24 probation or parole until he or she has served at least fifty percent (50%) of
25 the sentence imposed.

26 (4) A violent offender shall not be awarded any credit on his sentence authorized by
27 KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or

1 her sentence if the credit reduces the term of imprisonment to less than eighty-five
2 percent (85%) of the sentence.

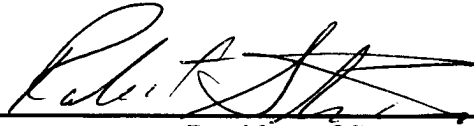
3 (5) This section shall not apply to a person who has been determined by a court to have
4 been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard
5 to the offenses involving the death of the victim or serious physical injury to the
6 victim. The provisions of this subsection shall not extend to rape in the first degree
7 or sodomy in the first degree by the defendant.

8 (6) This section shall apply only to those persons who commit offenses after July 15,
9 1998.

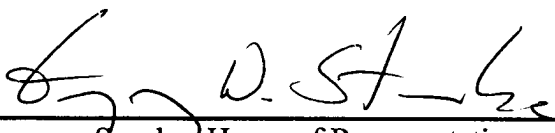
10 (7) For offenses committed prior to July 15, 1998, the version of this statute in effect
11 immediately prior to that date shall continue to apply.

12 (8) The provisions of subsection (1) of this section extending the definition of "violent
13 offender" to persons convicted of or pleading guilty to robbery in the first degree
14 shall apply only to persons whose crime was committed after July 15, 2002.

15 ➔Section 2. This Act shall be known as the Bryan Durman Act.



President of Senate



Speaker House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-22-13